

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

RODNEY M. NEWMAN,

Petitioner,

v.

DECISION AND ORDER
13-CV-531

J. LEMPKE,

Respondent.

This case was referred to Magistrate Judge Michael J. Roemer, pursuant to 28 U.S.C. § 636(b)(1)(B). On August 9, 2016, Magistrate Judge Roemer filed a Report, Recommendation, and Order (Dkt. No. 25), recommending that petitioner's petition for a writ of habeas corpus (Dkt. No. 1) be denied in its entirety and that the Court decline to issue a certificate of appealability. Magistrate Judge Roemer further denied both the petitioner's motion for reconsideration of the order denying his motion to hold his petition in abeyance (Dkt. No. 22) and his motion for an extension of time (Dkt. No. 23).

The Court has carefully reviewed the Report, Recommendation, and Order, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Roemer's Report and Recommendation, petitioner Newman's petition for a writ of habeas corpus is denied in its entirety. It is further ordered that no certificate of appealability be issued. Pursuant to 28 U.S.C. § 636(b)(1)(A), the Court has also reviewed both the petitioner's motion for reconsideration of the order denying

his motion to hold his petition in abeyance (Dkt. No. 22) and his motion for an extension of time (Dkt. No. 23). Neither order is clearly erroneous or contrary to law, and both orders are therefore affirmed.

The Clerk of Court shall take all steps necessary to close the case.

IT IS SO ORDERED.

Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: September 29, 2016